

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

ELMER LEE THOMAS, :
 :
 Plaintiff :
 :
 -vs- : NO. 3:CV-02-1854
 : (Judge Kosik)
 :
 GERALD NORRIS, et al., :
 :
 Defendants :

ORDER

Before the court is plaintiff's "Objection to Magistrate Judge Blewitt January 12, 2006 Order Granting Defendants Their Second Request for Extension of Time to File Summary Judgment Out of Time and Without Justification." For the reasons which follow, the plaintiff's objection will be dismissed.

Plaintiff, Elmer L. Thomas, an inmate at SCI-Huntingdon, instituted the instant civil rights action pursuant to 42 U.S.C. §1983 on October 15, 2002. Defendants filed an answer to the complaint on April 8, 2003. On December 19, 2005, defendants filed a motion for summary judgment. Defendants sought an extension of time in which to file a supporting brief and documents arguing that counsel was having difficulty reaching witnesses to prepare affidavits. Defendants' request for extension of time was granted until January 11, 2006. On January 11, 2006, defendants filed a second motion for extension of time to file the supporting brief and documents. Defendants' request a one-week extension to file the supporting brief and documents again arguing that they require more time to contact witnesses. On January 12, 2006, the Magistrate Judge issued an Order

granting defendants' request for extension of time to file the supporting brief and documents until January 18, 2006.¹

On January 25, 2006, plaintiff filed his objection to the Magistrate Judge's Order of January 12, 2006 granting defendants' request for extension of time. Plaintiff argues that he objected to the Magistrate Judge's Order granting defendants' first extension to file the summary judgment motion out of time. He also argues that the affidavits filed by defendants are spurious.

We have reviewed the Magistrate Judge's Order in light of plaintiff's objections and we do not find the January 12, 2006 Order to be clearly erroneous or contrary to law, 28 U.S.C. §636. We do not find an extension of time of one-week and one-day to be unreasonable. Accordingly, we will dismiss the plaintiff's objection.

NOW, THEREFORE, this 14th day of February, 2006, IT IS HEREBY ORDERED THAT:

(1) The plaintiff's objection to the January 12, 2006 Order of the Magistrate Judge (Document 58) is dismissed; and,

(2) The Magistrate Judge's January 12, 2006 Order will stand.

s/Edwin M. Kosik
United States District Judge

¹ We note that on January 18, 2006, defendants filed a third extension of time seeking a one-day extension of time to file the supporting brief and documents. The Magistrate Judge granted the defendants' third request seeking the one-day extension. Defendants filed the supporting brief and documents on January 19, 2006.